UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,522	09/29/2003	Mark Bernard Hettish	2003P08061US	1651

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Siemens Corporation
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EXAMINER
PADMANABHAN, KAVITA

ART UNIT	PAPER NUMBER
2161	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/673,522	HETTISH, MARK BERNARD
	Examiner	Art Unit	
	Kavita Padmanabhan	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 10-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 10-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Claims 1-7 and 10-20 are pending.

2.   Claims 1 and 18-20 have been amended.

3.   Claims 1-7 and 10-20 are rejected.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   **Claims 1-7 and 10-20** are rejected under 35 U.S.C. 102(b) as being anticipated by

Diacakis et al. (US 2002/0116336, hereinafter "Diacakis").

In regards to **claim 1, Diacakis** teaches a method, comprising:

–   interfacing an identity oriented context application that represents a context of an identity

based on an availability of the identity with a device oriented context application that

provides an availability of a device associated with the identity, where the identity is a

person or a group of persons **(Diacakis; abstract; Fig. 1; Fig. 4 – presence detection**

engine interpreted as device oriented context application since it determines user's

presence on particular devices, and availability management engine interpreted as

identity oriented context application since it determines user's availability based on

user's situation; par [0026] – *"the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network."* – teaches that if the phone is in a status of "off" the person is not present because the phone is unavailable - therefore, the presence provides an availability of the device);

– detecting a new device oriented context provided by said device oriented context application for a specific device associated with an identity (**Diacakis; par [0034], lines 14-18; par [0035]** – *"when the P&A management server 12 detects that the individual is at work, the server 12 transmits the individual's updated P&A information to the clients 22 for the individual's boss and spouse"*; **par [0038]; par [0043]-par [0044]** – *"determine whether an individual is present on other devices such as, for example, a personal digital assistant (PDA) 50 or a pager 52"*), wherein said new device oriented context provides an availability status of the specific device (**Diacakis; par [0026]** – *"if a person is not near a landline telephone or wireless telephone, or the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network. Similarly, if a person uses an instant messaging (IM) application at a given point in time, the person is present on that instant messaging network"*; **par [0045]** - *"determine the individual's current capabilities 58 such as, for example, whether he can receive voice information, data files, audio files, video files, etc."*; **par [0053]**) and the identity oriented context application and the device oriented context application are separate and distinct from each other (**Diacakis; Fig. 1; Fig. 4**); and

– mapping said new device oriented context provided by said device oriented context application to an identity oriented context for said identity provided by said identity oriented context application by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability status of said identity **(Diacakis; par [0056] – *"For example, in FIG. 8 Alex is available by telephone and instant messaging, but Tom is only available by telephone and Pete is only available by instant messaging."*; [0059]; Fig. 8 – identity oriented contexts may be for example, "at home" or "at office" and device oriented contexts may be for example whether the individual is available via phone, IM, etc.);** and

– providing data indicative of said mapped identity oriented context to said identity context oriented application **(Diacakis; par [0030]; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 2, Diacakis** teaches the method of claim 1, wherein said detecting said new device oriented context for said device includes detecting said new device oriented context in a presence and availability service **(Diacakis; Fig. 1)**.

In regards to **claim 3, Diacakis** teaches the method of claim 1, wherein said detecting said new device oriented context for said device includes receiving a request to change said device's device context **(Diacakis; par [0034], lines 14-18)**.

In regards to **claim 4**, **Diacakis** teaches the method of claim 1, wherein said mapping said new device oriented context to said identity oriented context for said identity includes determining said identity **(Diacakis; par [0056]; Fig. 8)**.

In regards to **claim 5**, **Diacakis** teaches the method of claim 1, wherein said mapping said new device oriented context to said identity oriented context for said identity includes determining said identity context **(Diacakis; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 6**, **Diacakis** teaches the method of claim 1, further comprising:

–   determining said identity **(Diacakis; par [0056]; Fig. 8)**.

In regards to **claim 7**, **Diacakis** teaches the method of claim 1, further comprising:

–   determining said identity context **(Diacakis; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 10**, **Diacakis** teaches the method of claim 1, further comprising:

–   receiving a request to make a change to a new identity oriented context for an identity **(Diacakis; par [0034], lines 14-18; par [0056]; par [0059]; Fig. 8)**; and

–   mapping said new identity oriented context to a device context for a device associated with said identity **(Diacakis; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 11**, **Diacakis** teaches the method of claim 1, further comprising:

- receiving a request to make a change to a new identity oriented context for a second identity **(Diacakis; par [0034], lines 14-18; par [0056]; par [0059]; Fig. 8)**; and

- mapping said new identity oriented context to a device oriented context for a device associated with said second identity **(Diacakis; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 12, Diacakis** teaches the method of claim 11, wherein said receiving said request to make said change to a new identity oriented context for said second identity includes receiving said request from an identity context oriented application **(Diacakis; par [0034], lines 14-18; par [0036])**.

In regards to **claim 13, Diacakis** teaches the method of claim 11, wherein said mapping said new identity oriented context to said device context for said device associated with said second identity includes determining said device associated with said second identity **(Diacakis; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 14, Diacakis** teaches the method of claim 13, wherein said mapping said new identity oriented context to said device context for said device associated with said second identity includes determining said device oriented context associated with said device associated with said second identity **(Diacakis; par [0056]; par [0059]; Fig. 8)**.

In regards to **claim 15**, **Diacakis** teaches the method of claim 11, wherein said mapping said new identity oriented context to said device context for said device associated with said second identity includes accessing a mapping table **(Diacakis; Fig. 2; Fig. 5; Fig. 8)**.

In regards to **claim 16**, **Diacakis** teaches the method of claim 1, further comprising:

– providing data indicative of said device oriented context to a presence and availability service **(Diacakis; Fig. 1; par [0034], lines 14-18; par [0035], par [0038]; par [0043]-par [0044]; Fig. 8)**.

In regards to **claim 17**, **Diacakis** teaches the method of claim 11, further comprising:

– changing an identity oriented context for said second identity from a first identity oriented context to a said new identity oriented context in response to said request **(Diacakis; par [0034], lines 14-18; par [0056]; par [0059]; Fig. 8)**.

Claims 18-20 are each rejected with the same rationale given for claim 1.

Response to Arguments

6.   Applicant's arguments filed 3/16/09 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues that Diacakis does not teach the claimed device oriented context application. The examiner respectfully disagrees and asserts that the presence detection engine of Diacakis is interpreted as a device oriented context application since it determines a user's

presence on particular devices based on the availability of the devices (Diacakis; Fig. 1; Fig. 4; par [0026]).

Specifically, applicant argues that no availability of a device is determined by Diacakis. Rather, applicant argues that Diacakis determines the availability of the "individual" on the network or device, not the availability of the network or device itself. The examiner respectfully disagrees and asserts that Diacakis clearly determines the availability of devices on a network by determining presence information for the device (Diacakis; par [0044]-[0045]), including determining whether a device is switched on/off (Diacakis; par [0026]).

To clarify further, the examiner respectfully asserts that Diacakis recites, "*the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network.*" (Diacakis; par [0026]) This teaches that if the phone is in a status of "off" the person is not present because *the phone is unavailable*. Therefore, the presence provides an availability of the device, i.e. unavailable.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **(571)272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan   July 19, 2009
Primary Examiner
AU 2161

/Kavita Padmanabhan/